

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2024 - 023

A RESOLUTION AUTHORIZING SANTA FE COUNTY (RECIPIENT) TO ENTER INTO A GRANT AGREEMENT WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT (NMED) FOR THE PURPOSE OF OBTAINING PROJECT SUBSIDY GRANT FUNDS IN THE AMOUNT OF \$459,000; DESIGNATING THE USE OF THE FUNDS FOR THE PURPOSE DEFINED IN THE MOST CURRENT PROJECT DESCRIPTION FORM AS APPROVED BY NMED; DECLARING THE NECESSITY FOR THE SUBSIDY GRANT FUNDS; PRESCRIBING OTHER DETAILS CONCERNING THE FUNDS.

Capitalized terms used in the following preambles are defined in Section 1 of this Resolution unless the context requires otherwise.

WHEREAS, the Recipient is a legally and regularly created public body organized under the general laws of the State of New Mexico (State); and

WHEREAS, Recipient proposes a project to investigate, model, and plan for known perfluoroalkyl and polyfluoroalkyl substances (PFAS) contamination; and

WHEREAS, the funds for this Project will include funds from a one-time federal grant to the NMED from the Environmental Protection Agency (EPA); and

WHEREAS, while no commitment has been made to construct a capital project at this time, the Project is expected to identify potential remedial or treatment solutions, in addition to identifying the source, scope, and concentrations of PFAS; and

WHEREAS, NMED and Environmental Protection Agency (EPA) have determined that the County is eligible to receive funds for this Project from the Clean Water State Revolving Loan Fund (CWSRF), also known as the Wastewater Facility Construction Loan Program, for this Project; and

WHEREAS, the Project is subject to specific requirements of the federal grant; and

WHEREAS, the Governing Body of the Recipient has determined that it is in the best interest of the Recipient to accept and enter into the Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE RECIPIENT:

Section 1. DEFINITIONS. As used in the Resolution, the following terms shall have the meanings specified below, unless the context clearly requires otherwise (*such meanings to be equally applicable to both the singular and the plural forms of the terms defined unless the plural form is separately defined*):

ACT. The general laws of the State, including the Wastewater Facility Construction Loan Act at NMSA 1978, Sections 74-6A-1 to 74-6A-15, as amended; enactments of the governing Body of the Recipient relating to the Funding Agreement made by resolution, including this Resolution; and the powers of the Recipient as a public body under authority given by the Constitution and Statutes of the State.

AGREEMENT. The agreement between the Recipient and the NMED, pursuant to which funds will be awarded to the Recipient to construct the Project and pay eligible costs relating.

ANNUAL AUDIT or SINGLE AUDIT. Financial statements of the Recipient as of the end of each Fiscal Year, audited by an Auditor, consistent with the federal Single Audit Act and the State Auditor's rules.

AUTHORIZED OFFICER. The Recipient's mayor, chairperson, director or other officer or agent of the Recipient as designated by the Recipient's Signature Resolution, Santa Fe County Resolution No.2024-023 adopted by the Santa Fe County Board of County Commissioners.

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FISCAL YEAR. The twelve-month period commencing on the first day of July of each year and ending on the last day of June of the succeeding year, or any other twelve-month period which the Recipient hereafter may establish as the fiscal year.

FUNDS. Subsidy Grant funds.

GOVERNING BODY OF THE RECEPIENT. Santa Fe County Board of County Commissioners.

NMSA. New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented.

RECEPIENT. The entity requesting funds pursuant to the Act.

RESOLUTION. This Resolution, which includes amendments.

PROJECT COMPLETION DATE. The date that operations of the completed works are initiated or capable of being initiated, whichever is earlier. This also applies to individual phases or segments.

REGULATIONS. Regulations promulgated by the Water Quality Control Commission at 20.7.5 NMAC and New Mexico Environment Department at 20.7.6 – 20.7.7 NMAC.

SUBSIDY GRANT. A sub-grant of funds to the Recipient from a one-time federal grant of funds to the NMED by EPA, for the purpose of subsidizing the funding amount provided to the Recipient under the Agreement.

SYSTEM. The methodology for identifying, analyzing, and modeling emerging contaminants.

Section 2. RATIFICATION. All action heretofore taken (not inconsistent with the provisions of the Resolution) by the Board, the officers, and employees of the Recipient, directed toward the Agreement, is hereby ratified, approved and confirmed as a result of this document.

Section 3. FINDINGS. The Governing Body of the Recipient declares that it has considered all relevant information and data and makes the following findings:

(A) The execution and delivery of the Agreement pursuant to the Act to provide funds to finance the Project, is necessary and in the interest of the public health, safety, and welfare of the residents of the Recipient and will result in savings of finance costs to the Recipient.

(B) The monies available for the Project from all sources other than the Agreement is not sufficient to pay when due the cost of the Project.

(C) The Project is and will be part of the System.

Section 4. SYSTEM. The System shall constitute the project and or activity to address emerging contaminants and shall be maintained as such.

Section 5. AUTHORIZATION OF PROJECT. The acquisition and construction of the Project and payment of eligible items as set forth in the Regulations from proceeds of the Agreement is hereby authorized at a cost not to exceed the Subsidy Grant amount of \$459,000 excluding any cost of the Project to be paid from any source other than the proceeds of the Agreement.

Section 6. AUTHORIZATION OF AGREEMENT.

(A) For the purpose of protecting the public health, conserving the property, and protecting the general welfare of the of the residents of the Recipient and acquiring the Project, it is hereby declared necessary that the Recipient, pursuant to the Act and the Regulations, execute and deliver the Agreement, and the Recipient is hereby authorized to execute and deliver the Agreement. The NMED has agreed to disburse the proceeds according to the terms of the Agreement to the Recipient over the construction period of the Project.

(B) The form of the Agreement is approved. The Authorized Officer is hereby authorized and directed to execute and deliver the Agreement and any extensions of or

amendments to any such document to be executed after completion of the Project with such changes, or any substitution therefore, with such changes therein consistent with the Resolution and as shall be approved by an Authorized Officer whose execution thereof, or any extension thereof, or substitution therefore, in their final forms shall constitute conclusive evidence of their approval and compliance with this section.

(C) From the date of the initial execution and delivery of the Agreement, Authorized Officers, agents, and employees of the Recipient are authorized, empowered, and directed to carry out such acts and to execute all such documents as may be necessary to comply with the provisions of this Resolution and the Agreement.

Section 7. OPERATION OF PROJECT. The Recipient shall conduct the Project pursuant to the Project Description approved by the NMED.

Section 8. USE OF PROCEEDS. The NMED shall disburse Funds pursuant to the Agreement for NMED approved costs incurred by the Recipient for the Project.

Section 9. ENFORCEMENT VENUE. The NMED retains the right to seek enforcement of the terms of the Agreement. If the NMED and the Recipient cannot reach agreement regarding disputes as to the terms and conditions of this Agreement, such disputes are to be resolved promptly and expeditiously in the district court of Santa Fe County. The Recipient agrees that the district court for Santa Fe County shall have exclusive jurisdiction over the Recipient and the subject matter of this Agreement and waives the right to challenge such jurisdiction.

Section 10. AMENDMENT OF RESOLUTION. This Resolution may be amended with the prior written consent of the NMED.

Section 11. SEVERABILITY CLAUSE. If any section, paragraph, clause, or provision of the Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or

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unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of the Resolution.

Section 12. REPEALER CLAUSE. All bylaws, orders, Resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, Resolution, or part thereof, heretofore repealed.

PASSED, APPROVED, AND ADOPTED THIS 15th DAY OF FEBRUARY 2024.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

By: *Hank Hughes*
Hank Hughes, Chair

ATTEST:

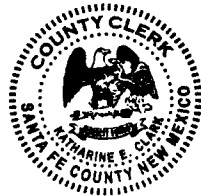
Katharine E. Clark
Katharine E. Clark,
Santa Fe County Clerk

Date: 2/14/24



APPROVED AS TO FORM:

Jeff Young for
Jeff Young,
Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for Record On The 14TH Day Of February, 2024 at 04:04:28 PM And Was Duly Recorded as Instrument # 2028298 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy *Miguel Jull* County Clerk, Santa Fe, NM